



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

FILED

06/27/23

04:59 PM

C2306019

Ivor Benci-Woodward,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

ECP Case (C.) _____

Expedited Complaint
(Rule 4.6)

COMPLAINANT	DEFENDANT
Ivor Benci-Woodward 621 Cordova Place Davis CA 95616 T- 530-574-8391 E-mail: iggybw@gmail.com	Pacific Gas and Electric Company (U39E) Attn: Steven Frank, Attorney 77 Beale Street, Mail Code B30A San Francisco, CA 94105 T: 415-973-6976 E-mail 1: steven.frank@pge.com E-mail 2: pgetariffs@pge.com

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A)

Ivor Benci-Woodward

COMPLAINANT(S)

vs.

(B)

Pacific Gas & Electric Company

DEFENDANT(S)

(Include Utility "U-Number", if known)

(for Commission use only)

(C)

Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?

☒ YES

☐ NO

Has staff responded to your complaint?

☒ YES

☐ NO

Did you appeal to the Consumer Affairs Manager?

☐ YES

☒ NO

Do you have money on deposit with the Commission?

☐ YES

☒ NO

Amount \$ _____

Is your service now disconnected?

☐ YES

☒ NO

COMPLAINT

(D)

The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
Ivor Benci-Woodward	621 Cordova Pl	530-574-8391
	Davis, CA 95616	

respectfully shows that:

(E)

Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
PG&E	PO BOX 770000	1-800-743-5000
	San Francisco, CA 94177	

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

Lynn Flavin of PG&E claims: "You were previously enrolled in the SMOO program; however, due to the Opt Out remaining in a pending status because your meter configuration had not been fully changed to non-SmartMeters (an electric non-SmartMeter and a gas SmartMeter), PG&E un-enrolled you from SMOO 4/28/19".

The response to my request for assistance in this matter was addressed by Gregory Harris of the Public Utilities Commission Consumer Affairs Branch: "PG&E advised that they will maintain the current gas/electric meter configuration at your property and not attempt to install an electric SmartMeter...As a result of this favorable information, we are closing your complaint in our files."

C. 21-09-014 orders: "A Pacific Gas and Electric Company (PG&E) supervisor will be present for the future meter readings at 621 Cordova Place, Davis, California, 95616." Changing my enrollment status changes the order because there is no record that I was un-enrolled in April 2019 - pre-dating the mandated order from November 2021, and changing the need for a supervisor to be present.

I did not receive a notice from PG&E before the November 2021 order that informed me:

1. PG&E will be changing my SMOO enrollment status on 4/28/19 as the result of "a pending status."
2. I can not be enrolled in the SMOO program with only my gas meter being a SmartMeter.

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

☒ adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

☐ ratesetting (check this box if your complaint challenges the reasonableness of a rates)

(2) Are hearings needed, (are there facts in dispute)? ☒ YES ☐ NO

(3) ☒ Regular Complaint ☐ Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00):

1. Does the favorable information from Gregory Harris refer to being enrolled in SMOO?
2. Does a rule exist that allows PG&E to change my SMOO enrollment status to un-enrolled after it was agreed that I was enrolled with the current meter configuration at my property per the email from Brian Swanson?
3. Does evidence exist that PG&E un-enrolled me from SMOO in April 2019?
4. Should I, the customer, have been included in the discussion to change my SMOO enrollment status from enrolled to un-enrolled?
5. Will being un-enrolled modify the order from C. 21-09-014 that requires a supervisor must be present for all meter reads?

- (5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.

Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	
Hearing (Example: 7/1/09)	

Explain here if you propose a schedule different from the above guidelines.

(H)

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

1. PG&E to confirm that I am currently enrolled in the SmartMeter Opt-Out Program with the current configuration of my meters (gas SmartMeter, electric non-SmartMeter), and confirmation that they will not charge me the enrollment fee per Mr. Swanson's exception to the fees from his emails dated June 16, 2022.
2. PG&E to include my written participation and discussion in all future changes to my account in an effort to avoid unauthorized reasons (specifically pending status and delayed bill corrections) for any and all changes to my PG&E account.

(I)

OPTIONAL: I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

(J)

Dated Davis, California, this 24 day of May, 2023
(City) (date) (month) (year)

Mr. F. Beni-Woodward, Jr.
Signature of each complainant

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

(K)**REPRESENTATIVE'S INFORMATION:**

Provide name, address, telephone number, e-mail address (if consents to notifications by e-mail), and signature of representative, if any.

Name of Representative:	
Address:	
Telephone Number:	
E-mail:	
Signature	

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on 24 May 2023, at Davis, California
(date) (City)

Wor F. Benci-Woodward, Jr.
(Complainant Signature)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on _____, at _____, California
(date) (City)

Signature of Officer

Title

(N) NUMBER OF COPIES NEEDED FOR FILING:

If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission
Attn: Docket Office

505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

PRIVACYNOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission ("CPUC") intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.

Ivor F. Benci-Woodward, Jr.

Signature

24 May 2023

Date

Ivor Benci-Woodward

Print your name

From: Flavin, Lynn LVF1@pge.com
Subject: RE: SmartMeter Concern
Date: May 3, 2023 at 2:15:19 PM
To: Iggy Benci-Woodward iggybw@gmail.com
Cc: Swanson, Brian BJSf@pge.com, Flavin, Lynn LVF1@pge.com

Classification: Internal

Hello Mr Benci Woodward,

We have submitted our response to the CPUC , and are providing you with the following information and PG&E's position as well.

- You are currently **unenrolled** from PG&E's SmartMeter Opt Out (SMOO) program, and currently have a gas SmartMeter (SM) and an electric non-SmartMeter. SmartMeter Opt Out (SMOO) enrollment/unenrollment history:
 - Enrolled 11/11/13 (customer requested)
 - Unenrolled 12/16/13 (customer requested)
 - Enrolled 6/10/17 (customer requested)
 - Unenrolled 4/28/19 (PG&E initiated)
- You were previously enrolled in the SMOO program; however, due to the Opt Out remaining in a pending status because your meter configuration had not been fully changed to non-SmartMeters (an electric non-SmartMeter and gas SmartMeter), PG&E un-enrolled you from SMOO 4/28/19. The unenrollment was not due to your request; unenrollment completed by PG&E in oversight. From 2013 to current you have not been charged any SMOO fees.
- We have attempted to work with you for re-enrollment in SMOO if this is your preference; however, you declined and expressed your desire to maintain the current meter configuration with one non-SM (electric), and one SM (gas). The SMOO program as defined in Electric Schedule E-SOP and states customer must affirmatively elect to opt out of the SmartMeter program. You have also declined having the electric meter upgraded to a SM even though you are not opposed to having a gas SM.
- In the interest of continuing to be able to bill your gas usage accurately and timely using your gas SmartMeter data, we will maintain this meter configuration at your property and have documented the premise with an alert for our field service team not to attempt to install an electric SmartMeter.
- We understand your concerns with having PG&E on your property to perform meter reads and will continue to follow the agreement to provide a supervisor to collect verified reads every six months (details of agreement in the CPUC's ruling on Formal [C.21-09-014](#)). During the months where a verified meter read is not completed, we will use the data you supply on the placard. As we have explained to you previously, after obtaining verified meter reads every six months, it is possible that the verified read could

result in bill corrections. Examples - if the read provided in the placard is more or less than the verified meter read, or if the placard provided monthly for our meter reader to read which will result in an estimated read/bill.

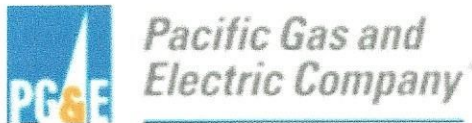
- We continue to encourage you to consider the installation of an electric SmartMeter as it would minimize the need for PG&E to visit your property and minimize potential estimated billing and/or billing corrections that could arise from using the placard.
- As mentioned previously PG&E is willing to maintain current meter configuration with you remaining unenrolled from SMOO, or should you wish to affirmatively opt out we can remove the gas SM.

Respectfully,

Lynn Flavin | PG&E

Customer Relations and Executive Escalations

Cell: (408) 826-1533



We respect your privacy. Please review our privacy policy for more information. <http://www.pge.com/en/about/company/privacy/customer/index.page>

This document contains confidential Private Customer Information throughout the document and the entire document is submitted under Section 583

Email communication may contain privileged or confidential information proprietary to Pacific Gas and Electric Co.. If you have received this communication in error, we ask that you advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents.

From: Flavin, Lynn <LVF1@pge.com>
Sent: Thursday, March 30, 2023 9:47 AM
To: Iggy Benci-Woodward <iggybw@gmail.com>
Cc: Swanson, Brian <BSf@pge.com>; Flavin, Lynn <LVF1@pge.com>
Subject: RE: SmartMeter Concern

Classification: Internal

Good Morning Mr Benci-Woodward,

PUBLIC UTILITIES COMMISSION

320 W. 4th STREET, SUITE 520
LOS ANGELES, CA 90013



May 9, 2023

Ivor Benci-Woodward
621 Cordova Pl.
Davis, CA 95616

Subject: Commission File No: 588385 for Complaint with Pacific Gas & Electric Company

Dear Mr. Benci-Woodward:

The Consumer Affairs Branch (CAB) of the California Public Utilities Commission (CPUC) has reviewed your complaint against **Pacific Gas & Electric Company [PG&E]**. Through this review, **PG&E** has informed CAB that they have resolved your concerns.

Your complaint sought CPUC assistance with obtaining affirmation that your SmartMeter Opt Out status has not, nor will change for the electric meter.

PG&E stipulates that they sent you an email on May 3, 2023 regarding your complaint details (the CPUC also received a copy). Further, **PG&E** advised that they will maintain the current gas/electric meter configuration at your property and not attempt to install an electric SmartMeter. Nevertheless, **PG&E** stated that they do encourage customers to consider the installation of an electric SmartMeter as it would minimize the need for **PG&E** to visit the property and minimize potential estimated billing and/or billing corrections that could arise from using the placards. **PG&E** advised that you were provided their direct contact information should you have further questions and/or concerns.

As a result of this favorable information, we are closing your complaint in our files. However, if you believe your complaint has not been resolved properly, please contact CAB and reference your assigned file number **588385** and a representative will assist you further.

We appreciate the opportunity to assist you.

Sincerely,

Gregory Harris

Greg Harris
Consumer Affairs Branch
1-800-649-7570
www.cpuc.ca.gov

5. Waiver of Comment Period

Pursuant to Rule 14.7(b) of the Commission's Rules of Practice and Procedure, the 30-day public review and comment period required by Section 311 of the Public Utilities Code and the opportunity to file comments on the proposed decision is not applicable in Expedited Complaint Proceedings. Accordingly, this matter was placed on the Commission's agenda directly for prompt action.

O R D E R**IT IS ORDERED** that:

1. A Pacific Gas and Electric Company (PG&E) supervisor will be present for the future meter readings at 621 Cordova Place, Davis, California, 95616, and the supervisor and meter reader will wear masks.
2. To help minimize the need for personal interactions, PG&E shall provide the complainant, Ivor Benci-Woodward, with a plastic meter card which complainant will fill out. PG&E shall also provide notice to complainant when the meter will be read, and complainant shall unlock the gate on the day of the meter reading so that the reader and supervisor can access the complainant's property.
3. The complainant's request for compensatory damages is denied.
4. In the event complainant wishes to have the meter moved so a PG&E meter reader need not enter the property at 621 Cordova Place, Davis, California, complainant and PG&E are encouraged to discuss possible alternative locations for the meter and determine who will be responsible for bearing the cost for removing and/or replacing the meter

This order is effective today.

Dated _____, at San Francisco, California

Iggy

On Jun 16, 2022, at 9:23 AM, Swanson, Brian <BJSf@pge.com> wrote:

Hi Iggy,

We followed up with Billing Operations and learned that your account was not charged SmartMeter Opt Out fees going back to 2013 when you first enrolled, nor were you charged the fees for your second enrollment in 2017. I was told the reason you weren't charged opt out fees is because you were technically never fully SmartMeter Opt Out in our system because the SmartMeter module on your gas meter was never removed.

Thank you,

Brian

From: Iggy Benci-Woodward <iggybw@gmail.com>
Sent: Monday, June 13, 2022 12:07 PM
To: Pipkin, Kacey <Kacey.Pipkin@pge.com>
Cc: Flavin, Lynn <LVF1@pge.com>; Swanson, Brian <BJSf@pge.com>
Subject: Re: PG&E - CPUC Complaint IC 559063

*****CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.*****

Hi Brian,

PG&E customer service advised that the SmartMeter opt-out fee was reflected in the August 9, 2017 True-Up bill stating they could not go back that far back in billing to confirm or deny payment was received. Please either provide a copy of the bill for when we started paying the opt out fee, or documentation from the account for why PG&E did not bill us this fee when we opted out.

Ivor

On Jun 13, 2022, at 8:21 AM, Pipkin, Kacey <Kacey.Pipkin@pge.com> wrote:

Ivor,

SmartMeter Opt Out fees are not refundable. However, we have confirmed there were no SmartMeter Opt Out fees billed to the account.



Iggy Benci-Woodward <iggybw@gmail.com>

PG&E - CPUC Complaint IC 559063

Swanson, Brian <BJSf@pge.com>

Thu, Jun 16, 2022 at 5:13 PM

To: Iggy Benci-Woodward <iggybw@gmail.com>

Cc: "Flavin, Lynn" <LVF1@pge.com>, "Pipkin, Kacey" <KDL8@pge.com>

Hi Iggy,

Attached are your statements from June to December 2017. The true up statement is the one dated August 8.

There is no waiver for SmartMeter Opt Out fees. These fees are not waivable. We did not charge you the opt out fee because you still had a SmartMeter module on your gas meter.

You need to make a decision on whether or not you want to fully opt out of SmartMeter. If you choose to fully opt out, then we will remove the SmartMeter module on your gas meter. You will need to provide plastic card readings every month for both your electric and gas meters, you will need to allow us access to your backyard every six months to verify the read on your electric and gas meters, and we will begin charging you SmartMeter Opt Out fees.

If you choose not to opt out of SmartMeter, then you will need to allow us to install an electric SmartMeter. Once an electric SmartMeter is installed, there will no longer be a need to access your backyard to verify meter reads every six months.

Thank you,

Brian

From: Iggy Benci-Woodward <iggybw@gmail.com>**Sent:** Thursday, June 16, 2022 10:34 AM**To:** Swanson, Brian <BJSf@pge.com>**Cc:** Flavin, Lynn <LVF1@pge.com>; Pipkin, Kacey <KDL8@pge.com>**Subject:** Re: PG&E - CPUC Complaint IC 559063

*******CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.*******

Hi Brian,

I appreciate the explanation, but neither the 2017 True-up bill nor the documentation for SmartMeter opt-opt fee waiver is included. If I understand correctly, will you be sending a copy of the documentation that reflects we were partially opted out, and documentation that a partial SmartMeter opt-out does not require payment?

Thanks,